



# UNITED STATES PATENT AND TRADEMARK OFFICE

49  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,965	06/08/2001	Satoru Wakao	35.G2822	8322

5514 7590 03/09/2006

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/875,965	<b>Applicant(s)</b> WAKAO ET AL.	
	<b>Examiner</b> Norman M. Wright	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**NORMAN M. WRIGHT**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-8, 10-14, 16-17, 20-21, 25, 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wasilewski et al, U.S. Pat. No. 5,341,425, hereinafter '425.

3. As per claims 1-3, 6-8, 10-14, 16-17, '425 teaches a data processing apparatus (abs., figs. 2-5), comprising: an input means (40), a plurality of object data (32, 34, 38, 102), first encryption means (54, 104), at least a predetermined portion (32,34,38), a first key (106, col. 3, lines 10 et seq.), generating means (110, 118, col. 3, lines 10 et seq.), seed information (pk program key, system key/ Sk, broadcast key/ Bk, col. 3, lines col. 3, lines 12 et seq.), multiplexing means/combiner (112, 56), a data stream (58), and transmitting means (56). The data transmission sites/reception means receive a plurality of request for programs, services, and/or pay per view events from users or subscribers or television system. It then, transmits specific program information (pk, and program data) back to the requestors in the form of a seed. This seed is used to encrypt and decrypt data for transmission security, see figures 3, and column 9, lines 20 et seq.

Art Unit: 2134

4. As to the transmitting of the seed and data stream individually, '425 teaches that the key stream may be transmitted with the data stream or separately (col. 1, lines 45 et seq., col. 3, lines 48 et seq., col. 5, line 11-21 et seq., col. 6, lines 7 et seq., col. 9, lines 45 et seq.), periodically changing said 1<sup>st</sup> key (col. 3, lines 48-51, col. 5, line 45 et seq., col. 9, lines 40 et seq.), coding means for individually data objects, MPEG-4/movies, cable signals, satellite (fig. 3, program keys (106), col. 5, lines 29 et seq., col. 6, lines 37 et seq., col. 9, lines 21 et seq.). As to the data objects being audio, video, and information necessary for the composing of audio and video data, '425 teach that his invention is particularly well suited for use in transmission system's, which utilizes said types of data. Therefore, it is inherent that the movie/mpeg, television/cable and satellite broadcasting systems would have features of data control and composing objects transmitted in the data stream, since the stream used in broadcasting data to movie and television/cable systems are composed of audio and video signals that are broadcasts to apparatus which are capable of utilizing such broadcast data signals.

5. Similarly, it teaches a corresponding data processing apparatus for decrypting and decoding the data stream having: a receiving means, de-scrambling the encrypted object, de-multiplexing means, obtaining means, receiving coded data, decoding means, periodically changing first key, coding of Movie/MPEG-4, first and second key data (see fig. 2 element (30) or fig. 4, col. 7, lines 3- col. 8, and col. 10, lines 67 – col. lines 55 et seq.). Regarding the displaying means, '425 teach that the reception site may be a subscription television system having a cable or a satellite subscriber (i.e. end user).

6. As to claims 20-21, 25, 27 they distinguish over rejected claims 1-3, 6-8, 10-14, and 16-17, in that it recites a data processing method for individually transmitting seed and data stream, see '425 at col. 6, lines 54 et seq.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5, 9, 15, 18-19, 22-24, 28-29, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Wasilewski et al, U.S. Pat. No. 5,341,425, hereinafter '425, as applied to claims 1-3, 6-8, 10-14, 16-17, 20-21, 25, 27 above, and further in view of Halter et al., U.S. Pat. No. 5,319,705, hereinafter '705.

9. As to claims 4-5, 18-19, 22-23, 28-29, '425 do not teach the use of concatenating/convolving a second, third or fourth keys via a third and fourth encryption means to further seed information data. The examiner takes official notice of both the motive and modification necessary for concatenating/convolving additional keys via encryption means to further seed data. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the invention of '425, by augmenting it with additional keys and encryption means. One of ordinary skill in the art would have readily envisaged that the additional convolution or concatenation of keys via encryption means would yield a more secure data streams since the added

Art Unit: 2134

convolution processes would yield a more random data stream. '425 at col. 1, lines 45 et seq., col. 2, lines 35 et seq., col. 5, lines 25 et seq., teach that any of a myriad of means may be used for encryption. It is also notoriously well known in the art to perform multiple encryptions with different keys to provide enhance security of data. Similarly, '705 teach a multimedia software distribution vendor/ reception means, receiving a plurality of request from the user (20) for data and/or programs. The vendor then encrypts the data or program with a specific or unique customer key/seed for transmitting after the request has been received by the reception means, see figs. 1-3, and col. 7, lines 47-68 et seq., and col. 8, lines 1 et seq.

10. As to claim 9, 15, 24, 26, '425 do not explicitly teach distributing data streams, which include intellectual property data. "705 teaches the that multimedia data being transmitted may comprise intellectual property data for control and protection purposes (col. 4, lines 60 et seq.). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to further modify the invention of '425, by making use of data fields that contain intellectual property rights as encrypted data in the data transmission stream. One of ordinary skill in the art would have been motivated to perform such a modification, because, '705 teaches that data which is transmitted via broadcasting, TV/cable, satellite or radio are at great risk of intercepted and utilized by users who may violate the license and copyright restrictions (col. 2, lines 37 et seq.). The use of encrypting licenses and other data enable providers of data to control and limit the use of said information (see summary, and col. 6, lines 35 et seq., and col. 15 et seq.).

11. As to claims 30-33, they distinguish over rejected claims 1-29, in that they recite a computer readable storage medium, having program code for accomplishing said recited methods above, 425 does not explicitly teach this. '705 teach that it is well known in the art to distribute multimedia programs and data files on a computer readable medium (col. 2, lines 32 et seq.). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to further modify the invention of '425, by storing the data on a computer readable medium, as suggested by '705. One of ordinary skill in the art would have been motivated to perform such a modification because, '705 teaches that there are various delivery method of distributing digital data/ software. The use of a computer readable medium ensures cost efficient and reliable distribution of said digital information or programs. Moreover, this method is routinely utilized in the data processing art as a convenient method of providing information or programs to users.

### ***Response to Arguments***

12. Applicant's arguments filed 02/16/2006 have been fully considered but they are not persuasive. Applicant's remark that the prior art fails to teach individually transmitted seed information and the requested data. Applicant's representative is drawn to col.6, lines 54 et seq., where it recites that the seed are to be transmitted by the transmission site if the keys/seeds are locally generated and stored in the memory 60 at the reception site. As to the remarks that the prior art fails to teach the transmission that the encrypted data and the seeds are not transmitted after the request are received. The examiners as understood the encryption of the data set and the

Art Unit: 2134

seeds/keys are transmitted to particular sites for unique use, this means that the data reception site must have inherently requested the data program. If this were not the case then the encrypted data and seeds would not be unique for each respective reception site.

### ***Conclusion***

This is a RCE of applicant's earlier Application No. 09/875,965. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

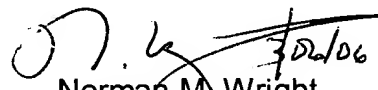


Art Unit: 2134

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on Mondays - Fridays from 9am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Norman M. Wright  
Primary Examiner  
Art Unit 2134